

**IN THE CIRCUIT AND SUPERIOR
COURTS OF DECATUR COUNTY, INDIANA**

Local Rule No. 201-1. Late Payment Fees.

Section One. In any action in which a defendant is found to have:

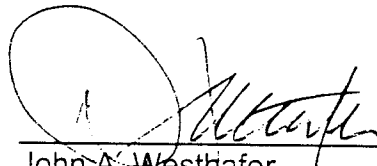
- a) committed a crime;
- b) violated a statute defining an infraction;
- c) violated an ordinance of a municipal corporation; or
- d) committed a delinquent act;

if the defendant has not been determined to be indigent and the defendant fails to pay court costs, a fine, or a civil penalty in full by the date set by the court, there shall be imposed a late payment fee of twenty-five dollars (\$25.00), which shall be paid in addition to the costs, fine, or penalty.

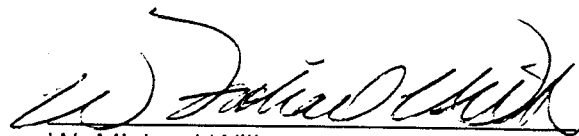
Section Two. The court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment.

This rule shall take effect on September 1, 2001.

Adopted this 14th day of August, 2001.



John A. Westhafer
Judge, Decatur Circuit Court



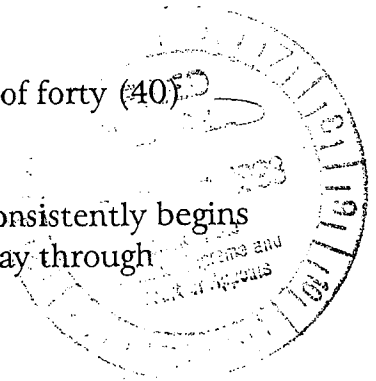
W. Michael Wilke
Judge, Decatur Superior Court

DECATUR COUNTY LOCAL RULE 98-1

The undersigned courts comprise all of the courts of record of Decatur County, Indiana and hereby adopt the following local rule by which court reporter services shall be governed.

Section One. Definitions. The following definitions shall apply under this local rule:

- (1) *A Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week and during which court reporters are performing official duties. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (8) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through



Saturday, Wednesday through Tuesday, Friday through Thursday.

- (9) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Decatur County.
- (10) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (11) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party and the preparation of which is done outside of regular working hours.

Section Two. Salaries, Gap time and Overtime pay.

- (1) Court reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising court during any regular fixed work hours. Subject to the approval of the county council, the amount of the annual salary shall be set by the Court.
- (2) The court reporter shall, if requested or ordered, prepare any indigent transcript during regular work hours.
- (3) In the event that preparing a transcript cannot be completed during regular work hours, the court reporter shall be entitled to additional compensation beyond regular salary under one of the two options set forth as follows:
 - (a) Overtime hours shall be paid in the amount of one and one-half ($1\frac{1}{2}$) times the number of overtime hours worked.
 - (b) Compensatory time off from regular work hours shall be given in the amount of one and one-half ($1\frac{1}{2}$) times the number of overtime hours worked.
- (4) The court and the court reporter shall freely negotiate between the two which of the options set forth in (3) above shall be applicable

and the court and the court reporter shall enter into a written agreement which outlines the option utilized for the compensation of overtime hours.

- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private practice.

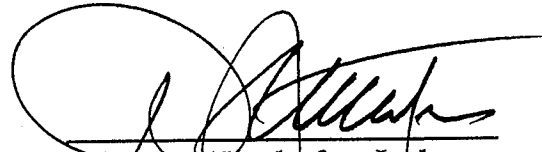
- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - (a) The reasonable market rate for the use of equipment, work space, and supplies;
 - (b) The method by which records are to be kept for the use of equipment, work space, and supplies; and
 - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space, and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

Section Four - Fees.

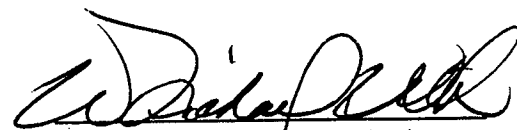
- (1) The maximum per page fee a court reporter may charge for private practice work shall be \$3.50.

- (2) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.75.

ADOPTED this 28th day of May, 1998, in Decatur County, Indiana.



John A. Westhafer, Judge
Decatur Circuit Court



W. Michael Wilke, Judge
Decatur Superior Court

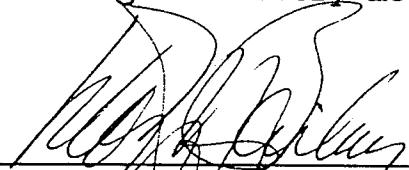
TO: Members of the Decatur County Bar Association
FROM: Judge Bailey, Judge Westhafer, and Beverly Stiers
RE: Filing of pleadings in Decatur County Courts
DATE: February 20, 1997

LOCAL RULE


The following changes are necessary for uniformity in filing procedures:

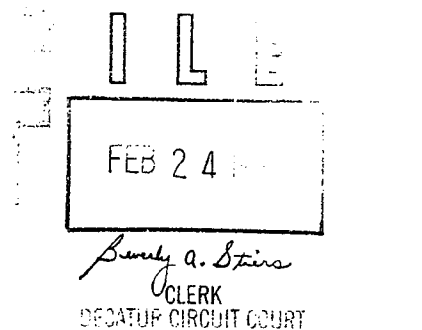
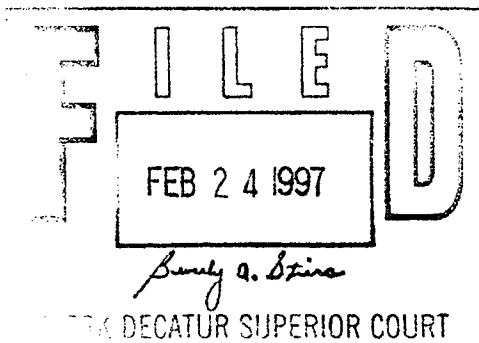
As of Tuesday, February 25, 1997, all Chronological Case Summary Sheets (CCS), pending and closed, will be kept in the Clerk's office. When filing a pleading, the attorney will be required to pull the CCS along with the corresponding file and give the CCS, file, and pleading to a Deputy Clerk or place in the designated tray.

Court files and/or CCS sheets shall NEVER leave the courthouse. Attorneys shall not take the file and/or CCS to his/her office for copying or review. Copies of documents contained in the court file are to be obtained by paying the Clerk \$1.00 per page or through discovery motions and orders.


L. MARK BAILEY, JUDGE
DECATUR SUPERIOR COURT


JOHN A. WESTHAFER
DECATUR CIRCUIT COURT


BEVERLY A. STIERS, CLERK
DECATUR CIRCUIT/SUPERIOR COURTS



STATE OF INDIANA) IN THE DECATUR COUNTY COURTS
COUNTY OF DECATUR) SS: 16C01-9508-MI-01

IN RE THE MATTER OF:)
LOCAL TRIAL RULE FOR)
CIVIL CHANGE OF VENUE)
FROM THE JUDGE)

AUG 3 1995

Qita M. Bunkert
CLERK
DECATUR CIRCUIT COURT

ORDER

Come now the Judges of Decatur Circuit Court and Decatur Superior Court and pursuant to Trial Rule 79 of the Indiana Rules of Trial Procedure adopt the following as a local rule:

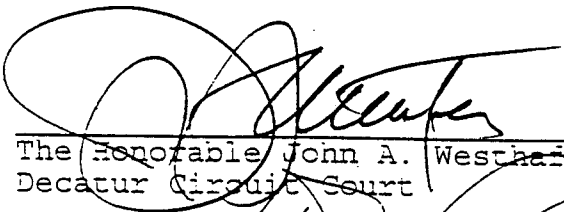
IT IS ORDERED, ADJUDGED, AND DECREED that upon the proper filing of a Motion For Change of Venue From the Judge in a civil case pursuant to Trial Rule 79, and if the parties can not agree to a specific eligible judge or can not agree that the judge before whom the case is pending appoint an eligible judge to serve as special judge in the case; then the judge before whom the case is pending shall appoint a panel of three eligible judges pursuant to section (F) of Trial Rule 79. (These eligible judges may or may not be from District 11 as found in Administrative Rule 3).

If a selected special judge does not accept jurisdiction of the case, then pursuant to Trial Rule 79(H) the judge before whom the case is pending shall appoint an eligible special judge from Decatur County or a contiguous county within District 11. Each regular sitting judge shall maintain a list of all eligible special judges from Decatur County and contiguous counties and under this local rule shall appoint them sequentially. Eligible

special judges shall include regular sitting judges and magistrates from Decatur County and contiguous counties within District 11, and may also include Senior Judges from District 11 at the discretion of the regular sitting judge.

All regular judges and magistrates from District 11 shall maintain a list of all cases in which they accept appointment as special judge, the type of case, the date of the appointment, and the Court from which they received the appointment. All regular judges and magistrates shall also maintain a list of all cases from their Court wherein they appointed a special judge, the special judge who accepted the appointment, the type of case, and the date of the appointment.

SO ORDERED this 31st day of August, 1995.



The Honorable John A. Westhafer
Decatur Circuit Court



The Honorable Lloyd Mark Bailey
Decatur Superior Court

STATE OF INDIANA)
) SS:
COUNTY OF DECATUR)

IN THE DECATUR CIRCUIT COURT
AND DECATUR SUPERIOR COURT
2004 TERM

**AMENDED ORDER REQUIRING ATTENDANCE
AT DISSOLUTION EDUCATION WORKSHOP**

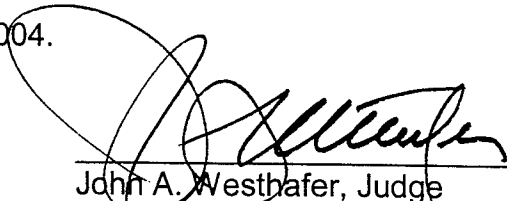
Pursuant to I.C. 31-15-9-1, the Court finds that parties to a dissolution proceeding with minor unemancipated children can benefit from participation in a Dissolution Education Workshop. The purpose of the workshop is to encourage mediation and cooperation between the parties, develop an understanding of the emotional and psychological impact on children of divorce and to explain successful techniques for dealing with the potential problems experienced by children during the dissolution process.

Therefore, in all dissolution actions where there are minor unemancipated children, the parties are ordered to attend a program entitled "Children First" (or a program of comparable content conducted in another Indiana county). Attendance is mandatory in every such action filed on or after January 1, 1994. **The two (2) hour program must be completed prior to the final hearing.** The parties shall pay the program fee of Thirty-Five Dollars (\$35.00) per person, effective August 5, 2004, with an allowance for waiver of fees for indigency.

The program shall be presented by Debra Cruser, Decatur County Family Court Counselor. The parties are directed to contact her within ten (10) days of commencement of a cause of action or within ten (10) days of service of summons at 812-593-1777 to make an appointment to attend the program. **Failure to attend and complete the program may result in a contempt citation and punishment or suspension of visitation.** Session times shall be established by the Family Court Counselor.

Attorneys representing petitioners are ordered to give a copy of this Order to their clients and the Decatur County Clerk shall furnish a copy to any pro se petitioners and attach a copy to the summons to be served on all respondents.

Amended this 5th day of August, 2004.


John A. Westhafer, Judge
Decatur Circuit Court


W. Michael Wilke, Judge
Decatur Superior Court

IN THE CIRCUIT AND SUPERIOR COURTS
OF DECATUR COUNTY
STATE OF INDIANA

IN RE: THE NONDISCRETIONARY)	CAUSE NOS.:
ASSIGNMENT OF ALL FELONY)	16C01-0101-MC-0001
AND MISDEMEANOR CASES)	16D01-0101-MC-0001

AMENDED LOCAL RULE

WHEREAS, the Decatur Circuit Court and the Decatur Superior Court adopted on June 20, 1995 a local rule regarding criminal case assignments, which rule was approved by the Indiana Supreme Court on June 26, 1995, and

WHEREAS, the Decatur Circuit Court and the Decatur Superior Court now desire to amend that rule to equalize caseload distributions,

Therefore the Decatur Circuit Court and the Decatur Superior Court now amend, subject to the approval of the Indiana Supreme Court, the local rule regarding criminal case assignments as follows:

1. The Decatur Superior Court shall have exclusive jurisdiction over all charges filed under Titles 7.1, 9, and 14 of the Indiana Code. The Decatur Circuit Court shall have exclusive jurisdiction over all charges filed under Title 35, Article 43 of the Indiana Code.

2. In all other criminal actions, the Decatur County Clerk shall randomly select one-third of the felony cases and one-half of the misdemeanor cases for assignment to the Decatur Superior Court and shall randomly select two-thirds of the felony cases and one-half of the misdemeanor cases for assignment to the Decatur Circuit Court.

3. Where the investigation of an event results in criminal charges against more than one defendant, all criminal charges arising from the investigation shall be filed with the same court.

4. Where multiple counts or defendants have been charged, the most serious offense shall dictate the classification to be assigned to the case for purposes of implementing the random selection process in paragraph 2.

5. When there are pending charges against a defendant, additional charges arising out of the same investigation shall be filed in the same court. Also, new charges against a defendant on probation shall be filed in the court which ordered his/her probation.

6. When charges against a defendant have been filed and dismissed, any subsequent charges filed against the same defendant arising out of the same investigation shall be filed with the court to which the case was originally assigned.

7. Judges of the Decatur Circuit Court and the Decatur Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court any pending case, subject to acceptance by that court. In addition, the following judges have agreed to serve in the event it becomes necessary to reassign felony or misdemeanor cases in the Decatur Circuit Court or Decatur Superior Court: Hon. Charles O'Connor, Shelby Circuit Court, Hon. Kathleen T. Coriden, Bartholomew Superior Court No. 2, Hon. Barbara Harcourt, Rush Circuit Court, Hon. Jon Webster, Jennings Circuit Court, and Hon. David Northam, Rush Circuit Court.

By order adopting these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Decatur Circuit Court and Decatur Superior Court for purpose of reassignment of felony and misdemeanor cases.

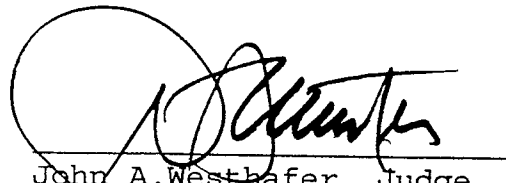
8. When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a Special judge under the applicable procedural rules.

This rule shall be effective July 1, 2001, subject to approval by the Indiana Supreme Court.

DATED this 1st day of June, 2001.



W. Michael Wilke, Judge
Decatur Superior Court



John A. Westhafer, Judge
Decatur Circuit Court

AMENDED INDIANA JUDICIAL DISTRICT # 11
CASELOAD REDISTRIBUTION PLAN
(Bartholomew, Brown, Decatur, Jennings, and Jackson Counties)

The Judges of the District having met; we, the undersigned judges of Decatur County, hereby adopt this District Caseload Redistribution Plan for Allocation of Judicial Resources.

1 Recognition of factors in addition to weighted caseload study that cause disparity in workload.

The Weighted Caseload Study is an instrument for measuring relative workload of Indiana trial courts. There are certain additional factors that the trial judges in our District have considered in devising our District Plan.

(A) Courts that have traditionally handled higher volumes of domestic relation cases will have more work from re-docketed cases than will a court that recently began handling domestic relation cases. Courts that recently began handling domestic relation cases will not have as many modification and citation cases filed.

(B) There is a disparity between judges in the number of special judge cases that they are required to handle. Likewise, there is a variance between courts as to the number of cases for which there is a change of venue from the judge or from which the judge must recuse himself or herself.

(C) Some attorneys advocate in a more adversarial manner than do others. These practitioners gravitate to certain courts, which results in a lower settlement rate. The judges in these courts will expend a greater amount of time per case than will other courts with similar types of cases. This is especially true in domestic relation cases.

(D) The administrative duties differ from court to court. A judge in a small community is expected to attend more community meetings than do judges in larger metropolitan communities. A judge with juvenile jurisdiction has to expend more administrative time, especially if they are responsible for a detention center.

2 Rules

(A) Because of the caseloads of Bartholomew Circuit Court and Jackson Circuit Court, the judges from those two Courts will not be required to serve as special judge in any cases. They will not be placed on any panels by other judges in the District. If they are selected by agreement, they will decline appointment.

(B) Because of the caseload in Jackson Circuit Court, the Magistrate from Brown Circuit Court will be assigned to sit as "concurrent judge" (in the nature of a judge pro tem or magistrate) of the Jackson Circuit Court one-half day biweekly. Because of the caseload in the Bartholomew Circuit Court, the Circuit Judge from Rush County will be assigned to sit as a concurrent judge of the Bartholomew Circuit Court one-half day biweekly. The concurrent judge shall be authorized to serve at the same time as the regular sitting Circuit Court Judge in separate courtrooms within the Courthouse. The concurrent judge shall hear such matters as domestic relation citations and modifications, reciprocal support actions, criminal initial hearings, criminal bond reduction hearings, criminal change of plea hearings, adoptions, pretrial conferences, and other routine matters. This list is representative

of the types of cases which the special judge will hear, but is not intended to be an exclusive list. The concurrent judge shall not be considered as a judge pro tem (since the regular judge will still be available and acting as judge on other cases in another courtroom). The concurrent judge will sit on a periodic basis for a class of cases as assigned by the regular judge.

(C) Because of the caseload in Bartholomew Circuit Court, the County Court Judge from Rush County will be assigned legal research to assist the judge of the Bartholomew Circuit Court. Said assignments shall be on a case by case basis as is agreed to between the Courts.

(D) To assist all Courts within the District, all civil cases that will require more than two hours of trial time will be referred to mediation, unless written waiver is granted by the Court. Whenever a trial is requested within the District (except for small claims), the party requesting the trial must state in the Motion For Trial Setting the expected length of the trial. In the event that the parties request a trial setting of two hours or less and the hearing has not concluded within the time allotted, then the Court shall have the discretion to recess the trial and refer the matter to mediation at that time.

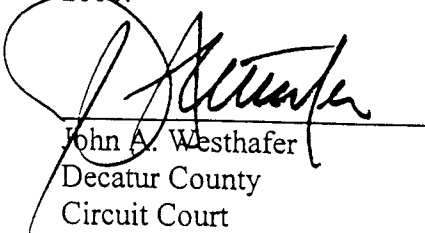
(E) To assist all Courts within the District, in all contested family law cases (including paternity, guardianship, and dissolution cases except for provisional hearings); counsel for the parties are ordered to exchange names and addresses of all witnesses as well as actual copies of all exhibits at least 7 days prior to trial. They are further ordered to file a list of the witnesses and exhibits with the Court at least 7 days prior to trial. In contested dissolution cases, counsel for the parties are further ordered to file with the Court a marital balance sheet, including date-of-filing values, as well as a proposed property and debt division at least 7 days prior to trial. Failure to comply will result in the Court removing the case from the trial calendar and shall subject the non-complying party to sanctions. Failure to include a witness or exhibit on the submitted list shall preclude the witness from testifying or the exhibit from being introduced.

(F) In those Courts which utilize Senior Judges, the Senior Judge may serve concurrently with the regular sitting judge.

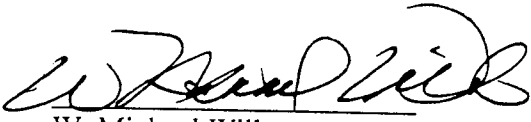
(G) The Bartholomew County Circuit Judge in conjunction with the Jackson County Circuit Court Judge shall seek from the Indiana State Legislature a bill creating a position of Magistrate that would serve both Courts.

(H) The judges from District #11 shall meet during the month of September, 2000 to review this rule and determine if any adjustments are needed.

The foregoing District Rule having been formally adopted by the Courts in District #11, the same is hereby promulgated and made effective as of the 1st day of March, 2000.



John A. Westhafer
Decatur County
Circuit Court



W. Michael Wilke
Decatur County
Superior Court